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February 12, 2022

VIA ECF

Hon. Paul A. Engelmayer  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: United States v. Gamez, et al. (Daniel Ortiz)  
21-cr-148 (PAE)

Dear Judge Engelmayer,

I represent Daniel Ortiz in the above-captioned matter. On consent of the Government, I write to respectfully request that Mr. Ortiz' appearance be waived for the in-person conference on February 15, 2022. Mr. Ortiz recently began a new job at Cintas in Union, New Jersey. He is currently in training and attending the conference would require him to miss an entire day of training which will not be repeated. Additionally, Mr. Ortiz' deferred prosecution application was recently denied and, after a brief period of negotiation, we have reached an agreement in principle to resolve this matter. Mr. Ortiz is scheduled to participate in a safety-valve proffer on February 16, 2022 and we are hopeful that we will be reaching out to the Court in order to schedule a change of plea hearing within a week or two. In the event that Mr. Ortiz does not plead guilty, he is aware of the June 6, 2022 trial date and, at the last conference in this matter, time has been excluded, pursuant to 18 U.S.C. § 3161(h)(7)(A), until June 6, 2022 on his consent.

Regardless of the Court's decision on this application, undersigned counsel will appear at the February 15, 2022 conference. Thank you for your consideration and attention to this matter.

Respectfully submitted,

/s/  
Joshua D. Kirshner

**GRANTED.** The Clerk of Court is requested to terminate the motion at Dkt. No. 87.

2/14/2022

SO ORDERED.

Paul A. Engelmayer  
PAUL A. ENGELMAYER  
United States District Judge